

not ratified and certain other countries, and, as regards the United States, Canada has, pending action by Congress, made a special exception in favour of American machines by virtue of which they are permitted to fly north of the Canadian boundary if an American nationality mark assigned by the Canadian Air Board is painted upon them and they are registered with the Board. The pilot in charge must be a qualified war pilot. This special exception has already been renewed twice, on each occasion for six months, but no application for a further renewal has been received since the last renewal period expired on November 1st.

It has not been expressly determined whether, in the event of a cause of action arising wholly in an aircraft having a nationality other than that of the state over which it at the time is, the laws of the country of its nationality apply either at all or to the exclusion of the laws of the country which whose air space the actionable conduct took place. So far as respects breaches of provisions of the Convention, it itself imposes upon the contracting states the duty of punishing infractions occurring as well on one side as the other of its boundary. It is suggested by a recent writer (1) that contraventions of local fiscal and like laws would be punishable only in the state enacting them, while crimes and torts might be cognisable by either of the states whose nationality the aircraft possesses or by that above which it was flying at the time. He moreover suggests that where difficulties arise in determining whether a given act has been done on the one or the other side of a frontier, both the adjacent states should be considered as exercising a condominium. Cases are bound to arise in which it is impossible to determine with accuracy on which side of a boundary line a given event occurred, but it is very difficult to see how the nationality of the craft can, in view of the Convention's declaration of national sovereignty over the air space over it, have any such legal effect as the nationality of a ship except when the aircraft is flying over the high seas. This, however, like many other

(1) J. M. Spaight: *Aircraft in Peace and the Law*, Macmillan, 1919.